

alleging that the article had been shipped in interstate commerce in various shipments on or about March 21, October 24, 1936, and March 8, 1937, by the Indian Laboratory Co. from Laredo, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Prieto Tonic * * * Made for [or "by"] Indian Laboratory Co., Laredo, Texas."

Analysis showed that the article consisted essentially of water, glycerin, alcohol, potassium iodide (approximately 9 grains per fluid ounce), sodium benzoate, and extracts of plant drugs including cinchona.

The article was alleged to be misbranded in that the following statements and design appearing in the labeling were false and misleading when applied to an article of the composition disclosed by the analysis: (All cartons and some circulars) Design of an Indian; (all cartons, in Spanish and English) "Tonic of Walnut, Mexican Herbs, Roots and Medicinal Extracts. * * * This Marvelous Tonic Was Used By the Indians For Many Years * * * Made From Mexican Herbs, Roots and Walnut-Bark and Medicinal Extracts"; (all bottles, in Spanish and English) "Composed of Walnut, Mexican Herbs and Roots and Medicinal Extracts"; (some bottles, in Spanish) "This Marvelous Tonic Was Used For Many Years By the Indians of Mexico"; (some circulars, in Spanish) "Tonic of Walnut * * * Take the real extract of black walnut"; (other circulars, in English) "Walnut Tonic"; (in Spanish) "Tonic of Walnut * * * the genuine extract of black walnut. The picture of the Indian who discovered it is on the bottle."

It was alleged to be misbranded further in that certain statements on the carton and bottle and in a circular shipped with it falsely and fraudulently represented that it was effective as a general alterative tonic, aperitive, and nerve sedative; effective to prevent insomnia, and to promote metabolism and the elimination of uric acid in the urine; effective to enrich the blood, restore the appetite, and awaken the functions of the organs; effective as a remedy to clean the bronchial tubes and lungs through expectoration; and effective in the treatment of stubborn and chronic coughs, boils, pimples, skin diseases and anemia, herpes, light ulcers and sores, and all troubles caused by systemic weakness.

On August 30, September 1, and September 7, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27741. Misbranding of Whitmarsh Blood Elixir. U. S. v. 19 Bottles of Whitmarsh Blood Elixir. Default decree of condemnation and destruction.
(F. & D. No. 39418. Sample No. 14648-C.)

This product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling. It was misbranded further because of failure to declare the quantity of alcohol present, since no statement appeared on the carton and the statement on the bottle was incorrect.

On April 27, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bottles of Whitmarsh Blood Elixir at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about November 7, 1936, by the Whitmarsh Laboratories from Adrian, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of water, alcohol (10 percent by volume), a small quantity of benzoic acid, and extracts of plant drugs including anise and an alkaloid-bearing drug.

The article was alleged to be misbranded in that its package failed to bear a statement on the label of the quantity or proportion of alcohol that it contained, since no declaration of alcohol appeared on the carton and that on the bottle label was incorrect. It was alleged to be misbranded further in that the following statements borne on the bottle and carton regarding its curative and therapeutic effects were false and fraudulent: (Bottle) "Blood Elixir * * * For poisoning, such as from ivy, oak, sumach, or other vegetable infection * * * For boils and pimples Add to the contents of one bottle of Whitmarsh Blood Elixir one teaspoonful of Fluid Extract of Arnica Flowers;" (carton label) "Blood Elixir * * * Recommended * * * in the treatment of skin afflictions such as itching eczema, ivy, oak, or sumach and other vegetable poisons absorbed

through the skin, * * * Used * * * in the treatment of ivy, oak, sumach and other vegetable poisons absorbed thru the skin. Its action is prompt and usually brings relief in 48 hours. Three weeks is advised in order to eradicate the poison from the system. * * * For itching Eczema, Psoriasis, Acne Vulgaris or Pimples and Skin Afflictions due to Blood Humours, Whitmarsh Blood Elixir has been a successful treatment. It is especially recommended as an Antidote for the Effects of Ivy, Oak, Sumach, and other Vegetable Poisons absorbed through the skin. * * * In 24 to 48 hours the intolerable itching ceases. Experience, however, recommends that the full three weeks treatment be used. In Itching Eczema and such skin affliction of a chronic character continued treatment may be required for its alterative influence."

On August 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27742. Misbranding of Ter-O-Sul. U. S. v. 126 Packages of Ter-O-Sul. Default decree of condemnation and destruction. (F. & D. No. 39264. Sample No. 19710-C.)

This product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling, and because it was represented to contain a substantial amount of colloidal sulphur; whereas it contained not more than a trace of, if any, colloidal sulphur.

On March 25, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 packages of Ter-O-Sul at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 1, 1937, by the National Hygienic Corporation from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of starch, sodium bisulphate, sodium bicarbonate, noncolloidal sulphur, (7.4 percent), and a trace of other inorganic compounds. It contained not more than a trace of, if any, colloidal sulphur.

It was alleged to be misbranded in that the following statements appearing in the label were false and misleading when applied to an article of the composition disclosed by the analysis: (Carton) "Colloidal Sulphur"; (circular) "Ter-O-Sul Effervescent Colloidal Sulphur Ter-O-Sul contains sulphur, especially refined and purified for use in the bath at home. It is colloidal, which means it 'fuses' very thoroughly with water. The particles of Ter-O-Sul are so very small they easily pass through the pores into the bloodstream." It was alleged to be misbranded further in that the carton and a circular enclosed therein bore false and fraudulent representations regarding its effectiveness in the treatment of arthritis, sciatica, neuritis, lumbago, gout, and other rheumatic ailments, itch, pimples or other skin irritations, and its beneficial effects in body fatigue, weariness and sleeplessness; its effectiveness to free the skin from impurities and blemishes, sweep away impurities in the blood, cleanse the system of poisons that produce pain, to stimulate the circulation, wake up the kidneys, cause the perspiration to carry off body waste, and bring blood from the interior organs to the surface; and its effectiveness as an aid in reducing.

On September 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27743. Misbranding of Needham's Red Clover Extract. U. S. v. 22 Small Jars and 12 Large Jars of Needham's Red Clover Extract. Default decree of condemnation and destruction. (F. & D. No. 39243. Sample No. 3948-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On March 23, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 small jars and 12 large jars of Needham's Red Clover Extract at San Francisco, Calif., alleging that the article had been shipped in interstate commerce in various shipments on or about January 23, 1935, January 24, and October 3, 1936, by D. Needham's Sons from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.